IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 7.12.2006

Amit Traders and others

...Appellants

versus

Rama Rani and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.C.M.Munjal, Advocate
for the appellants.

UMA NATH SINGH, J. (ORAL)

Filing of this FAO is barred by an inordinate delay of 1031 days. The explanations given in the application do not disclose sufficient cause to condone the delay. Moreover, in view of the ratio of a judgment of Hon'ble the Apex Court reported in AIR 1998 SC 2276 (P.K.Ramachandran versus State of Kerala and another), this Court cannot extend the period of limitation on equitable ground. This appeal essentially involves a dispute between the owner and the Insurance Company. Learned counsel also informed the Court that two other appeals filed by the owner have already been admitted. Notwithstanding the aforesaid, as the said appeals are said to have been filed within limitation, we are not inclined to admit the appeal on the ground of delay itself. Moreover, the insurer's money is also drawn out of public exchequer and, hence, it should not be permitted to be paid to a litigant,

who has not exercised due diligence in pursuing his litigation within limitation.

Hence, the FAO is dismissed on the ground of delay.

(UMA NATH SINGH)
JUDGE

7.12. 2006
pk

(MAHESH GROVER)
JUDGE